

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA

v.

**MARKELL MAURICE MELLETTE,
DARRYL KENNETH DWAYNE
NELSON II,
MARVIN LEE CALLOWAY,
JONATHAN WAYNE WELLS, and
JESSICA RUTH COLLINS**

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)
) **Criminal Case No. 6:22-cr-22**
)
) **In violation of:**
)
) **18 U.S.C. § 924(c);**
) **21 U.S.C. §§ 841(a)(1), (b)(1)(A), (b)(1)(B),**
) **(b)(1)(C);**
) **21 U.S.C. § 846;**
) **18 U.S.C. §§ 924(d) and 981(a)(1)(C);**
) **21 U.S.C. §§ 853(a) & (p);**
) **28 U.S.C. § 2461.**
)
)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

***Conspiracy to Distribute and Possess With Intent to Distribute Cocaine and
Methamphetamine***

1. Beginning in or about January 2019, and continuing through in or about November 2022, in the Western District of Virginia, and elsewhere, the defendants,

MARKELL MAURICE MELLETTE,
DARRYL KENNETH DWAYNE NELSON II,
MARVIN LEE CALLOWAY,
JONATHAN WAYNE WELLS, and
JESSICA RUTH COLLINS,

knowingly and intentionally combined, conspired, confederated, and agreed with other persons known and unknown to the Grand Jury, to commit the following offenses against the United States: to distribute and possess with the intent to distribute cocaine, its salts, optical and geometric isomers, and salts of isomers, a Schedule II controlled substance, and methamphetamine, a

Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

2. With respect to MARKELL MAURICE MELLETTE, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A), and 500 grams or more of a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(B).

3. With respect to MARVIN LEE CALLOWAY, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A).

4. With respect to DARRYL KENNETH DWAYNE NELSON II, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A)

5. With respect to JONATHAN WAYNE WELLS, the amount involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code,

Section 841(b)(1)(A)

6. Before MARKELL MAURICE MELLETTE committed the offense charged in this count, MARKELL MAURICE MELLETTE was convicted of selling and providing for resale a Schedule I or Schedule II substance, a serious drug felony, for which he served more than 12 months imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

7. All in violation of Title 21, United States Code, Sections 846, 841(b)(1)(A), (B) and (C).

COUNT TWO

Distribution of Controlled Substances

8. On or about June 22, 2022, in the Western District of Virginia, the defendants, MARVIN LEE CALLOWAY and JONATHAN WAYNE WELLS, knowingly and intentionally distributed and possessed with intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

9. All in violation of Title 21, United States Code, Sections 841(a) and (b)(1)(A).

COUNT THREE

Distribution of Controlled Substances

10. On or about July 27, 2022, in the Western District of Virginia, the defendant, MARVIN LEE CALLOWAY, knowingly and intentionally distributed and possessed with intent to distribute methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

11. All in violation of Title 21, United States Code, Sections 841(a) and (b)(1)(C).

COUNT FOUR

Possession of a Firearm in Furtherance of a Drug Trafficking Crime and Use of a Firearm During and in Relation to a Drug Trafficking Crime

12. On or about July 27, 2022, in the Western District of Virginia, the defendant, MARVIN LEE CALLOWAY, did knowingly possess, carry, and use firearms, that is a Taurus .44 Magnum and Taurus .38 Revolver, in furtherance of and during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, distribution of controlled substances, in violation of Title 21, United States Code Section 841(a)(1).

13. In violation of Title 18, United States Code, Sections 924(c)(1)(A).

COUNT FIVE

Distribution of Controlled Substances

14. On or about August 2, 2022, in the Western District of Virginia, the defendants, MARKELL MAURICE MELLETTE and DARRYL KENNETH DWAYNE NELSON II, knowingly and intentionally distributed and possessed with intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

15. Before MARKELL MAURICE MELLETTE committed the offense charged in this count, MARKELL MAURICE MELLETTE was convicted of selling and providing for resale a Schedule I or Schedule II substance, a serious drug felony, for which he served more than 12 months imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

16. All in violation of Title 21, United States Code, Sections 841(a) and (b)(1)(A).

COUNT SIX

Distribution of Controlled Substances

17. On or about August 2, 2022, in the Western District of Virginia, the defendant, MARVIN LEE CALLOWAY, knowingly and intentionally distributed and possessed with intent

to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

18. All in violation of Title 21, United States Code, Sections 841(a) and (b)(1)(A).

COUNT SEVEN

Distribution of Controlled Substances

19. On or about August 4, 2022, in the Western District of Virginia, the defendant, MARVIN LEE CALLOWAY, knowingly and intentionally distributed and possessed with intent to distribute methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

20. All in violation of Title 21, United States Code, Sections 841(a) and (b)(1)(C).

COUNT EIGHT

Possession of a Firearm in Furtherance of a Drug Trafficking Crime and Use of a Firearm During and in Relation to a Drug Trafficking Crime

21. On or about August 4, 2022, in the Western District of Virginia, the defendant, MARVIN LEE CALLOWAY, did knowingly possess, carry, and use a firearm, that is an AR-15 rifle, in furtherance of and during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, distribution of controlled substances, in violation of Title 21, United States Code Section 841(a)(1).

22. In violation of Title 18, United States Code, Sections 924(c)(1)(A).

COUNT NINE

Possession with the Intent to Distribute of Controlled Substances

23. On or about September 9, 2022, in the Western District of Virginia, the defendant, MARKELL MAURICE MELLETTE, knowingly and intentionally possessed with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

24. Before MARKELL MAURICE MELLETTE committed the offense charged in this count, MARKELL MAURICE MELLETTE was convicted of selling and providing for resale a Schedule I or Schedule II substance, a serious drug felony, for which he served more than 12 months imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

25. All in violation of Title 21, United States Code, Sections 841(a) and (b)(1)(B).

COUNT TEN
Distribution of Controlled Substances

26. On or about September 27, 2022, in the Western District of Virginia, the defendant, MARKELL MAURICE MELLETTE, knowingly and intentionally distributed and possessed with intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

27. Before MARKELL MAURICE MELLETTE committed the offense charged in this count, MARKELL MAURICE MELLETTE was convicted of selling and providing for resale a Schedule I or Schedule II substance, a serious drug felony, for which he served more than 12 months imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

28. All in violation of Title 21, United States Code, Sections 841(a) and (b)(1)(A).

COUNT ELEVEN
Distribution of Controlled Substances

29. On or about October 28, 2022, in the Western District of Virginia, the defendant, JESSICA RUTH COLLINS, knowingly and intentionally distributed and possessed with intent to distribute methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

30. All in violation of Title 21, United States Code, Sections 841(a) and (b)(1)(C).

FORFEITURE ALLEGATION

31. Upon conviction of the offenses alleged in Counts One through Three, Five through Seven, and Nine through Eleven, the defendants shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a), any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of this offense; and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of these offenses. The property subject to forfeiture includes:

- a. \$30,500 seized from MARKELL MAURICE MELLETTE on or about September 9, 2022.

The United States will also seek a forfeiture money judgment against the defendants in the amount equal to the value of any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of these offenses.

32. Upon conviction of the offense alleged in Counts Four and Eight, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in or used in the knowing commission of the offense, including but not limited to:

33. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

e. has been commingled with other property that cannot be divided without difficulty;

the defendants shall forfeit to the United States any other property of the defendant, up to the value of the property described above, pursuant to Title 21, United States Code, Section 853(p).

34. Criminal Forfeiture, pursuant to Title 18, United States Code, Sections 924(d), 981(a)(1)(C), Title 21, United States Code, Sections 853(a) and (p), and Title 28, United States Code, Section 2461.

A TRUE BILL, this 9th day of November 2022.

/s/FOREPERSON
FOREPERSON


CHRISTOPHER R. KAVANAUGH
UNITED STATES ATTORNEY